

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ALABAMA  
MIDDLE DIVISION

BENJAMIN EUGENE WILLIAMS, )  
                                )  
Plaintiff,                 )  
                                )  
vs.                         ) 4:09-CV-1176-IPJ-RRA  
                                )  
CITY OF GUNTERSVILLE, et al., )  
                                )  
Defendants.                 )

**ORDER**

The magistrate judge filed a report and recommendation on March 15, 2011, recommending that defendants' motion for summary judgment be granted as to plaintiff's claim of inadequate medical care against Sgt. Grady Baugh. It was further recommended that defendants' motion for summary judgment be denied as to plaintiff's claim of excessive force against Officer Phillip Smith. The parties were allowed fifteen (15) days in which to file written objections to the magistrate judge's recommendations. No objections have been filed by any party.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the magistrate judge's recommendation is ACCEPTED. Wherefore, this action against Officer Grady Baugh is hereby DISMISSED WITH PREJUDICE. The defendants' motion is DENIED as to the claim of excessive force against Officer Phillip Smith, and that claim shall proceed.

DATED this 12<sup>th</sup> day of April 2011.

  
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INGE PRYTZ JOHNSON  
U.S. DISTRICT JUDGE